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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,986	01/12/2001	Sally J. Bull	52355 USA9B.014	3145

7590 05/10/2002

Office of Intellectual Property
3M Innovative Property Counsel
P.O. Box 33427
St. Paul, MN 55133-3427

EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

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DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

Office Action Summary

Application No.
09/759,986

Applicant(s)
Bull et al.

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 31-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andriash (5,679,435) in view of Bull (WO-97/43128).

Andriash relates to a graphic article comprising a perforated imageable component and transparent polymeric cover component. The imageable component comprises an imageable opaque polymeric film layer, a light absorbing film adhered to one surface thereof and an image layer is formed on the opposite surface. The cover component includes a transparent film with an adhesive surface to adhere to the image layer (Fig. 2). However, Andriash fails to teach that the cover layer is located between hot melt adhesive layers. Bull discloses a cover layer for graphic article (page 1, lines 7 and 8). The cover comprises a transparent polymeric film, such as vinyl or polyester film, covered with a hot melt adhesive and a scrim layer (page 1, lines 28-29). Further, it is well known in the art to adhesively hold the film on a release liner using pressure sensitive adhesive (PSA). Bull teaches the advantage of using a transparent unperforated cover film with hot melt adhesive to prevent blocking. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Bull's teaching of using a transparent cover film adhered to the image layer in the invention of Andriash

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using hot melt adhesive to prevent blocking and the cover is in turn has a PSA layer on its exposed surface to secure the cover to the release liner.

3. Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, as stated, is found to be indefinite. It is not clear as to how are the component (a) and (b) laminated together.

4. The declaration under 37 CFR 1.132 filed April 23, 2001 is insufficient to overcome the rejection of claims 1-24 and 31-35 based upon 35 USC (a) rejection over Andriash in view of Bull as set forth in the last Office action because: Ms. Sally Bull fails to present facts as to how is the cover layer, in WO-97/43128 reference, is releasably held onto a release liner in the absence of PSA.

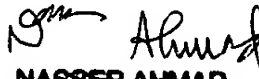
5. In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 a.m. to 5 p.m. and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


NASSER AHMAD
PRIMARY EXAMINER

N. Ahmad/dh
May 7, 2002